

EXHIBIT H

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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 RICHARD KADREY, *et al.*,
20 Individual and Representative
21 Plaintiffs,
22
23 v.

24 META PLATFORMS, INC., a Delaware
corporation;
25 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIFTH SET OF REQUESTS FOR
PRODUCTION**

1 subject matter of the Request, including documents and communications with limited, if any,
2 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

3 Meta objects to this Request to the extent it seeks information that is not relevant to any
4 party's claims or defenses, and on the ground that it presumes that a "decision" was made to include
5 this language.

6 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
7 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
8 privileged, responsive documents in its possession, custody, or control, if any, concerning Meta's
9 decision, if any, to describe Llama 2 training data as "publicly available" in the Llama 2 Paper.

10 **REQUEST FOR PRODUCTION NO. 81:**

11 All Documents and Communications related to the decision to use Shadow Datasets for
12 training Llama Models.

13 **RESPONSE TO REQUEST NO. 81:**

14 Meta incorporates by reference its objections and definitions above, including to the term
15 Shadow Datasets. Any electronic communications, including emails and documents attached
16 thereto, will only be produced pursuant to and in accordance with the ESI Order.

17 Meta objects to this Request because, on its face, it does not exclude documents and
18 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
19 opinions, which are subject to attorney-client privilege and/or attorney work product
20 doctrine. Such documents will not be produced.

21 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
22 needs of the case to the extent that it seeks all documents and communications concerning the
23 subject matter of the Request, including documents and communications with limited, if any,
24 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto, in particular
25 to the extent it concerns datasets that do not include Plaintiffs' asserted works.

26 Meta objects to this Request to the extent it seeks information that is not relevant to any
27 party's claims or defenses.

28 Meta objects to this Request to the extent that Meta has already searched for and provided

documents responsive to this Request, which overlaps with prior Requests.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-privileged, responsive documents in its possession, custody, or control concerning Meta's decision to use data from Third Party Datasets (as construed above) to train the Llama Models (as construed above).

REQUEST FOR PRODUCTION NO. 82:

All Documents and Communications related to the role of EleutherAI in the acquisition and use of Books3.

RESPONSE TO REQUEST NO. 82:

Meta incorporates by reference its objections and definitions above, including to the term EleutherAI. Any electronic communications, including emails and documents attached thereto, will only be produced pursuant to and in accordance with the ESI Order.

Meta objects to this Request because, on its face, it does not exclude documents and communications exchanged with or at the direction of Meta's attorneys concerning legal advice or opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such documents will not be produced.

Meta objects to this Request as vague and ambiguous as to the terms "role" and "acquisition and use," as it fails to identify with specificity the scope of what the Request is referring to, including what constitutes a "role" or the "acquisition and use" of Books3, and fails to specify whose "acquisition and use" of Books3 is at issue. Meta construes this Request as seeking documents related to EleutherAI's involvement, if any, in Meta's use of Books3 to train the Llama Models (as construed above).

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it seeks all documents and communications concerning the subject matter of the Request, including documents and communications with limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

Meta objects to this Request to the extent it seeks information that is not relevant to any

1 Meta objects to this Request as vague, ambiguous, and indefinite as to “copyrighted
2 material,” as the Request does not identify any and Meta is not in a position to know whether any
3 particular work is subject to copyright protection. Meta construes this Request as seeking
4 documents concerning Meta’s training data memorization mitigations for the Llama Models (as
5 construed above).

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
7 needs of the case to the extent that it seeks all documents and communications, including source
8 code, concerning the subject matter of the Request, including documents and communications with
9 limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses
10 thereto.

11 Meta objects to this Request to the extent it seeks information that is not relevant to any
12 party’s claims or defenses.

13 Meta objects to this Request as duplicative of other Requests, including Request No. 116.

14 Meta objects to this Request to the extent that Meta has already searched for and produced
15 documents responsive to this Request, which overlaps with prior Requests.

16 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
17 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
18 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show
19 Meta’s training data memorization mitigations for the Llama Models (as construed above).

20 **REQUEST FOR PRODUCTION NO. 119:**

21 All Documents and Communications, including source code, relating to the processing of
22 copyrighted material used in training Llama Models, including storage and deletion of copyrighted
23 material.

24 **RESPONSE TO REQUEST NO. 119:**

25 Meta incorporates by reference its objections and definitions above. Any electronic
26 communications, including emails and documents attached thereto, will only be produced pursuant
27 to and in accordance with the ESI Order.

28 Meta objects to this Request because, on its face, it does not exclude documents and

1 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
2 opinions, which are subject to attorney-client privilege and/or attorney work product
3 doctrine. Such documents will not be produced.

4 Meta objects to this Request as vague, ambiguous, and indefinite as to “copyrighted
5 material,” as the Request does not identify any and Meta is not in a position to know whether any
6 particular training data is protected by copyright. Meta also objects to this Request on the ground
7 that it presupposes that there are documents related to the processing, storage, and deletion of
8 copyrighted material separate and apart from other training data.

9 Meta objects to this Request as duplicative of other Requests.

10 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
11 needs of the case to the extent that it seeks all documents and communications concerning the
12 subject matter of the Request, including documents and communications, including source code,
13 with limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses
14 thereto.

15 Meta objects to this Request to the extent it seeks information that is not relevant to any
16 party’s claims or defenses.

17 Meta objects to this Request as duplicative of other Requests, including Request Nos. 116
18 and 118.

19 Meta is willing to meet and confer with Plaintiffs regarding the appropriate scope, if any of
20 this Request.

21 **REQUEST FOR PRODUCTION NO. 120:**

22 All Documents and Communications, including source code, relating to actual or
23 contemplated source code changes within Llama Models, including source code “commits” and
24 “pull requests.”

25 **RESPONSE TO REQUEST NO. 120:**

26 Meta incorporates by reference its objections and definitions above. Any electronic
27 communications, including emails and documents attached thereto, will only be produced pursuant
28 to and in accordance with the ESI Order.